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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,134

09/29/2003

Ronald P. Sansone

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05/11/2007

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EXAMINER

SALIARD, SHANNON S

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,134

Applicant(s)

SANSONE ET AL.

Examiner

Shannon S. Saliard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/22/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicant has amended claim 1. No claims have been cancelled or added.

Thus, claims 1-10 remain pending and are presented for examination.

Response to Arguments

2. Applicant's arguments filed 22 February 2007 have been fully considered but they are not persuasive.

3. Applicant argues (with respect to claim 1), "The art cited by the examiner does not disclose the payment of funds to a first carrier meter payment center located in a first country and the transfer of funds to a second meter payment center located in a second country". However, Examiner submits that Kadaba discloses, "Payment by the shipper, preferably electronically by the shipper computer system (i.e., meter data center), is transmitted to the first carrier billing system (i.e., first carrier meter payment center). The first carrier billing system deducts the charges for the first carrier's services (which may also include charges required by the line-haul carrier) and forwards the remaining amount, preferably electronically, to the escrow account.

Advantageously, the escrow account is available for debit by the second carrier at any time" [0103]. At the end of each day,...the second carrier...debits the escrow account. Funds are transferred, preferably electronically, from the escrow account to the carrier computer system" (i.e., second meter payment data center) [0101]. Although Kadaba does not explicitly disclose where the payment data centers are located, it is obvious

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that the carriers can be located in any country because the payments are made and transmitted electronically. It has been well established that communicating to someone electronically can take place any where in the world. Furthermore, it is well known by one of ordinary skill in the art at the time of the invention that mail is delivered internationally using more than one shipper. For example, a package being delivered from the US to France would utilize the services of the USPS for initial handling and La Poste (French Postal Service) for final delivery.

4. Applicant argues (with respect to claim 5) that Konick does not disclose or anticipate charging a second carrier for the funds attributable to the cost of the second carrier. However, Examiner submits that the rejection of claim 5 is based on the combination of Kadaba and Konick. Kadaba discloses, "A first carrier portion of the billing system is configured to calculate the shipping charges of various carriers...the package information is used to calculate a sum of all charges from each carrier for payment by the shipper" [0025]. Furthermore, Konick discloses, "The originator can designate the special shipping services desired on the V-STAMP Shipper. Another embodiment of the invention would be to have separate, distinct, V -STAMP Shippers for each special shipping service required. In either embodiment, the V-STAMP Shipper is used in conjunction with the V-STAMP label to uniquely and securely identify the originator of the package or mail, and designate an existing account against which the cost of the special shipping services designated are charged." [0167]

5. Applicant argues (with respect to claims 6 and 7) that Wade does not disclose or anticipate transferring funds from the first meter payment data center to the second

country meter payment data center when mail is scanned in the second country.”

However, Examiner submits that the rejections of claims 6 and 7 are based on the combination of Kadaba and Wade. Kadaba discloses, “The first carrier billing system deducts the charges for the first carrier’s services (which may also include charges required by the line-haul carrier) and forwards the remaining amount, preferably electronically, to the escrow account. Advantageously, the escrow account is available for debit by the second carrier at any time” [0103]. Thus, it would have been obvious to one of ordinary skill in the art to transfer monies at the time of scanning.

6. With respect to claim 9, applicant has challenged Examiner’s use of Official Notice. Examiner cites the reference to Ashaari [US 2004/0188522]. Ashaari discloses scanning a mail item while in-process and notifying a sender of the mail item status [0077]. Examiner submits that the reference to Ashaari is only being cited to substantiate the previous Official Notice statement by the examiner, does not result in a new basis for rejection, and therefore, this rejection is made final.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1, 2, 4 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba [US 20045/0215480] in view of Brookner et al [US 7,120,610].

As per **claim 1**, Kadaba discloses a method comprising the steps of: a sender metering, by a sender, mail that is being deposited with a first carrier [0053]; transmitting from the meter data center to a first carrier meter payment center the funds attributable to the first and second carriers; and transmitting from the first meter payment data center to the second meter payment data center the funds attributable to the second carrier [0098]. Kadaba does not explicitly disclose a first carrier located in a first country and a second carrier located in a second country. However, it is obvious that the carriers can be located in any country because the payments are made and transmitted electronically. It has been well established that communicating to someone electronically can take place any where in the world. Furthermore, it is well known by one of ordinary skill in the art at the time of the invention that mail is delivered internationally using more than one shipper. For example, a package being delivered from the US to France would utilize the services of the USPS for initial handling and La Poste (French Postal Service) for final delivery. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include a first carrier located in a first country and a second carrier located in a second country to be able to accommodate more customers thereby increasing revenue. Kadaba does not disclose charging a sender's meter and transmitting the funds charged to the meter to a meter data center; and transmitting from the meter data center sender funds attributable to the carrier. However, Brookner et al discloses the meter data center communicates with sender franking machine to obtain transaction records to account for postage consumption [col 6, lines 7-24]. Brookner et al further discloses

the meter data center initiates payment to a first carrier by transmitting the postage franked by the meter to a settlement center to initiate funds transfer to a carrier [col 8, lines 6-11]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include the method disclosed by Brookner et al. Brookner et al provides the motivation that as a result, no fund is tied up in a descending register in a franking system, and suggests that the need of use of the descending register may be completely obviated [col 2, lines 16-25].

As per **claim 2**, Kadaba does not explicitly disclose wherein the funds attributable to the first country carrier are determined by the following steps: determining the size of the mail and the cost associated therewith; determining the class of the mail and the cost associated therewith; and determining the weight of the mail and the cost associated therewith. However, Kadaba discloses checking weights and size to monitor for discrepancies for adjustments to a carrier [0029]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include: determining the size of the mail and the cost associated therewith; determining the class of the mail and the cost associated therewith; and determining the weight of the mail and the cost associated therewith so that the carrier does not lose revenue.

As per **claim 4**, Kadaba does not explicitly disclose wherein the funds attributable to the second country carrier are determined by the following steps: determining the size of the mail and the cost associated therewith; determining the class of the mail and the cost associated therewith; and determining the weight of the mail

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and the cost associated therewith. However, Kadaba discloses checking weights and size to monitor for discrepancies for adjustments to a carrier [0029]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include: determining the size of the mail and the cost associated therewith; determining the class of the mail and the cost associated therewith; and determining the weight of the mail and the cost associated therewith so that the carrier does not lose revenue.

As per **claim 8**, Kadaba further discloses further including the step of: placing a unique identification number on the mail to uniquely identify the mail [0062].

9. **Claims 3 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba [US 20045/0215480] in view of Brookner et al [US 7,120,610] as applied to claim 2 and 4 above, and further in view of Konick [US 2003/0115162].

As per **claims 3 and 5**, Kadaba does not disclose further including the step of determining the special services requested and the cost associated therewith. However, Konick discloses charging a sender for special handling of a mail item [0167]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include the method disclosed by Konick so that the carrier does not mishandle mail and lose revenue.

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10. **Claims 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba [US 20045/0215480] in view of Brookner et al [US 7,120,610] as applied to claim 1 above, and further in view of Wade [US 2003/0009351].

As per **claim 6**, Kadaba does not explicitly disclose further including the steps of: scanning the mail when the mail leaves the first country; and scanning the mail when the mail arrives in the second country, whereby funds are transferred from the first meter payment data center to the second country meter payment data center when mail is scanned in the second country. However, Wade discloses scanning the mail when it arrives at a first carrier associated with a first domain and scanning the mail when it is handed off to the second carrier associated with a second domain [0030] to determine a payment balance [0034; see Fig. 2]. Wade further discloses scanning mail when received in a foreign country [0039]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include the method disclosed by Wade. Wade provides the motivation that delivery services can mutually track deliveries of mail and delivery performance [0013].

As per **claim 7**, Kadaba further discloses further including the step of: placing a unique identification code on the mail to uniquely identify the mail [0062].

11. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba [US 20045/0215480] in view of Brookner et al [US 7,120,610] as applied to claim 1

above, and further in view of Wade [US 2003/0009351] and Ashaari [US 2004/0188522].

As per **claim 9**, Kadaba does not explicitly disclose further including the steps of: scanning the mail when the mail leaves the first country; scanning the mail when the mail arrives in the second country; and notifying the sender when the mail arrives in the second country. However, Wade discloses scanning the mail when it arrives at a first carrier associated with a first domain and scanning the mail when it is handed off to the second carrier associated with a second domain [0030] to determine a payment balance [0034; see Fig. 2]. Wade further discloses scanning mail when received in a foreign country [0039]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include the method disclosed by Wade. Wade provides the motivation that delivery services can mutually track deliveries of mail and delivery performance [0013]. Furthermore, Ashaari discloses performing in-process scans of a mail item and notifying sender of the shipment status [0077]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include the method disclosed by Wade including notifying the sender when the mail arrives in the second country so that the sender knows that the mail was delivered.

12. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba [US 20045/0215480] in view of Brookner et al [US 7,120,610], Wade [US

2003/0009351] and Ashaari [US 2004/0188522] as applied to claim 9 above, and further in view of Official Notice.

As per **claim 10**, Kadaba does not explicitly disclose further including the steps of: delivering the mail to the recipient; and notifying the sender of the recipient's receipt of the mail. However, the Examiner takes Official Notice that it is old and well known at the time of the invention in the postal industry to deliver mail to a recipient and notify the sender of the recipient's receipt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kadaba to include delivering the mail to the recipient; and notifying the sender of the recipient's receipt of the mail so that the sender knows that the mail was delivered.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Shannon S Saliard
Examiner
Art Unit 3628


THOMAS A. DIXON
PRIMARY EXAMINER

SSS